

REMARKS

Claims 1, 8 and 9 have been amended. Claim 10 has been cancelled.

The Examiner has rejected applicant's claims 1-10 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has argued that there is insufficient antecedent basis for the limitation "the progress" in claims 1 and 8-10. Applicant has amended applicant's claims 1, 8 and 9 to recite "progress" instead of "the progress," thereby obviating the Examiner's rejection.

The Examiner has rejected applicant's claims 1-3 and 6-10 under 35 USC 102(b) as being anticipated by the Fawcett, et al. (US 5,678,002) patent. The Examiner has also rejected applicant's claim 4 under 35 USC 103(a) as being unpatentable over the Fawcett, et al. patent in view of the Skaanning, et al. (US 6,535,865) patent. Applicant's claim 5 has been rejected under 35 USC 103(a) as being unpatentable over the Fawcett, et al. patent in view of the Phung, et al. (US 2002/0007237) patent application publication. Applicant has amended applicant's independent claims 1, 8 and 9, and with respect to these claims, as amended, and their respective dependent claims, the Examiner's rejection is respectfully traversed.

Applicant's independent claims 1, 8 and 9 have been amended to better define applicant's invention. Applicant's independent claim 1 has been amended to recite a trouble management system for managing a trouble in a product, comprising first determination means for determining whether or not a computer device connected to the product has an automatic diagnosis function, transmitting means for transmitting inquiry information to the computer device, in a case where the first determination means determines that the computer device has no

automatic diagnosis function, receiving means for receiving reply information for the inquiry information from the computer device, second determination means for determining whether or not the product has a trouble, on the basis of the reply information received by the receiving means, recording means for recording progress of an operation for solving the trouble determined by the second determination means, reading means for reading out the progress of the operation from the recording means, converting means for converting the progress of the operation read out by the reading means into a format suitable for the computer device, and notice means for sending to the computer device a notice of the progress of the operation recorded by the recording means. Applicant's independent claims 8 and 9 have been similarly amended.

The constructions recited in applicant's amended independent claims 1, 8 and 9 are not taught or suggested by the cited Fawcett, et al. patent. In particular, the Fawcett, et al. patent discloses a customer computer connected to a PSS diagnostic such that trouble in the customer computer can be automatically diagnosed. Specifically, in Fawcett, et al., the PSS, upon establishing a communications path with the customer computer, can command a diagnostic agent which is on the customer computer, or which it downloads to the customer computer if the diagnostic agent is not on the customer computer, to perform certain tasks, including downloading diagnostic applications, executing diagnostic application and then receiving and reviewing results, querying, receiving and updating sections of customer's message registry, querying a list of available devices connected to the customer computer and invoking diagnostics of those devices, automatically "sniffing" around on the customer's computer to gather diagnostic data and help troubleshoot, etc. Col. 10, lines 25-50.

These operations of the system of the Fawcett, et al. system, however, cannot be equated

to a procedure in which, following a determination of whether or not a computer device connected to a product has an automatic diagnosis function, the following occurs: transmitting inquiry information to the computer device, in a case where it has been determined that that the computer device has no automatic diagnosis function; receiving reply information for the inquiry information from the computer device; and determining whether or not the product has a trouble, on the basis of the reply information received. In the Fawcett, et al. patent, if a diagnostic agent is not present on the customer computer, the PSS downloads an agent to the customer computer, and there is no inquiry information sent to the customer computer, nor, therefore, can there be a reply to the inquiry, nor a determination that the customer computer has trouble based on the reply.

Furthermore, the Fawcett, et al. patent does not disclose recording progress of an operation for solving the determined trouble, reading out the progress of the operation, converting the progress of the operation read into a format suitable for the computer device, and sending to the computer device a notice of the progress of the operation recorded. In particular, column 9, lines 32-34 and column 11, lines 20-23 of Fawcett, et al., cited by the Examiner, disclose that data that is being transmitted from the customer's computer to the PSS is displayed on the PSS side, while all of the diagnostic application actions completed on the customer's computer are documented in a transaction log on the customer's computer. Thus, these passages of Fawcett, et al. only disclose recording of completed actions in a log on the customer's computer and make no mention of sending to the customer's computer a notice of the progress of the operation recorded.

Applicant's amended independent claims 1, 8 and 9, each of which recites the features of

determining whether or not a computer device connected to the product has an automatic diagnosis function, transmitting inquiry information to the computer device in a case where the first determination means determines that the computer device has no automatic diagnosis function, receiving reply information for the inquiry information from the computer device, determining whether or not the product has a trouble, on the basis of the reply information received, recording progress of an operation for solving the trouble, reading out the progress of the operation, converting the progress of the operation into a format suitable for the computer device and sending to the computer device a notice of the progress of the operation, and their respective dependent claims, thus patentably distinguish over the Fawcett, et al. patent.
Moreover, the Skaaning, et al. and the Phung, et al. patents add nothing to the Fawcett, et al. patent to change this conclusion.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 790-9286.

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Respectfully submitted,



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